UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,574	12/30/2003	James M. Ronning	R31.12-0001	8075

27367 7590 07/27/2005

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400 - INTERNATIONAL CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER	
OKEZIE, ESTHER O	

ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EA

Office Action Summary	Application No.	Applicant(s)	
	10/748,574	RONNING, JAMES M.	
	Examiner	Art Unit	
	Esther O. Okezie	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/30/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 14 and 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Re claim 14 recites the limitations "the upright bar" in line 3. There is insufficient antecedent basis for this limitation in the claim.

3. Re claim 17 recites the limitations "the support member" in line 2 and "the load support member" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6, 9,10,15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaplan US-2,959,411.

2. Re claim 1, Kaplan discloses a shock absorbing lifting assembly having a first end adapted to be attached to a hoist (col. 2, lines 39-53, the hoist is disclosed in Hooker patent US-2,695,809 incorporated by reference), the frame assembly including a guide (114), a lift slide (108) slidably mounted on said guide for movement along a central guide axis, a biasing member (86) resiliently loading the lift slide to move along the guide in a direction toward the first end of the frame assembly to a retracted position, a stop (limit collar 138) to limit the lift slide from moving relative to the guide in a direction away from its retracted position.

3. Re claim 2, the frame includes a yoke (11,12) pivotally mounted to the hoist about a horizontal pivot (24).

4. Re claim 3, wherein the guide comprises a tubular sleeve (114) and the lift slide comprises a tube (108) that is slidable in the tubular sleeve (see figs 3-4).

5. Re claim 4, biasing member is attached between the yoke and the lift slide, and is positioned within the tube comprising the lift slide (figs 3-4).

6. Re claim 5, biasing member is an extension spring (figs 3-4).

7. Re claim 9, said guide is a tubular sleeve (114), and the lift slide (108) is a tube that slides inside the tubular sleeve, said biasing member positioned on the inside of the tube that slides inside the tubular sleeve, and the biasing having one end secured to the tube that slides inside the tubular sleeve and the other end secured to the yoke (figs 3-4).

8. Re claim 10, the stop comprises a bearing head (limit collar 138) secured to the slide, and the bearing head stopping against an upper end of the guide.

9. Re claim 15, a load support for a hoist assembly comprising a pivoting frame member that depends from a pivot connection (24) to the hoist assembly, a guide member (114) on the pivoting frame member, a lift slide (108) mounted on the guide member for slidable movement relative thereto, a biasing member (86) between the frame member and the lift slide that resiliently resists extension of the lift slide under load from a retracted position, and a stop (138) between the guide and the lift slide to limit the amount of extension of the lift slide relative to the guide.

10. Claims 1-3, 6,7,9,15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaplan US-3,086,808.

11. Re claim 1, Kaplan discloses a lifting frame assembly (fig 1) having a first end adapted to be attached to a hoist (19), the frame assembly including a guide (102), a lift slide (100) slidably mounted on said guide for movement along a central guide axis, a biasing member (104) resiliently loading the lift slide to move along the guide in a direction toward the first end of the frame assembly to a retracted position, a stop (112) to limit the lift slide from moving relative to the guide in a direction away from its retracted position (col. 4, 65-75; col. 5, lines 1-11).

12. Re claim 2, the frame includes a yoke (plates 13 and 14 in fig 1) pivotally mounted to the hoist about a horizontal pivot (22; col. 3, lines 48-53).

13. Re claim 3, wherein the guide comprises a tubular sleeve (102) and the lift slide comprises a tube (100) that is slidable in the tubular sleeve (see fig 4).

14. Re claim 6, said load support frame includes a load support surface (82) having a shape complimentary to a surface of a load (C) to be lifted to receive and support the load when the load is oriented in a selected position for lifting (fig 6).

15. Re claim 7, the load support frame has a generally horizontal leg (124) having the load support surface (82) for receiving the load, the load support surface supporting the load centered on the central guide axis of the guide (fig. 6).

16. Re claim 15, a load support for a hoist assembly comprising a pivoting frame member (fig 1) that depends from a pivot connection (22) to the hoist assembly, a guide member (102) on the pivoting frame member, a lift slide (100) mounted on the guide member for slidable movement relative thereto, a biasing member (104) between the frame member and the lift slide that resiliently resists extension of the lift slide under load from a retracted position, and a stop (112) between the guide and the lift slide to limit the amount of extension of the lift slide relative to the guide.

17. Re claim 16, the lift slide extends through the guide (fig 4), and a load support frame (124) at a lower end of said lift slide, said load support frame being adapted to support a beam (the load surface 82 can be "adapted" to support a beam since it has a typical flat L shape capable of supporting flat sheets as well as coils of sheets; fig 6).

18. Re claim 17, said biasing member (104) urges a support member (54,56) in a direction to maintain contact of a load support member (124) and a load (C) to be lifted for a selected distance of extension of the lift slide (fig 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 8,19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan US-3,086,808 in view of Pierre. Kaplan discloses a hoist assembly with opposing legs for lifting metal sheets or coils of metal sheets. Kaplan discloses a generally horizontal first leg (124) wherein the hoist assembly comprises a spreader bar (fig 1) that is elongated and has opposite ends (32, 34), a separate frame member pivotally mounted (pivots 26,28) at opposite ends of the spreader bar, wherein each frame member includes a support member (80, 124) capable of for supporting an elongated beam (see fig 6) between the frame members at opposite ends of the spreader bar; the pivoting frame members of Kaplan comprise a yoke (32,34) pivoted to respective ends of the spreader bar (pivots 24,26,28) and a hoist (19) for lifting and lowering the spreader bar in substantially the center portions of the spreader bar (fig 1).

Kaplan does not disclose a side bar connected to one end of the first leg and a second leg secured to the side bar and overlying the first leg and, said support member being generally C-shaped and being spaced from the first leg sufficiently so the load is supportable between the first and second legs, the second leg being secured to the lift slide on a side of the guide opposite from the first end.

Pierre discloses a metal sheet handling lifting frame with a first horizontal leg (5), a side bar (1), and a second leg (1a) forming a "C-shaped" lifting frame wherein the load is supported between the first and second legs (see figs. 1,2,4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the leg assembly of Kaplan as taught by Pierre to include a "C-shaped" load support frame to more securely support the top and bottom of the metal sheets during lifting.

20. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan US 3086,808 in view of Hooker et al.

21. Re claim 11 and 12, Kaplan discloses a lifting frame wherein the load support surface of the generally horizontal leg (82) is substantially straight. Kaplan does not include adapter members mounted on the load support frame comprising pivoting straps that are mounted on portions of the load support frame and are adapted to rest on the load support surface to provide a guide receptacle for holding the load substantially centered on the central guide axis of the guide.

Hooker et al teaches a lifting assembly for metal sheets and metal coils including pivoting arms (41) mounted on portions of load support frame (26) and adapted to rest on the load support surface (14) to provide a guide receptacle for holding the load (5) substantially centered on the central guide axis. It can be seem from figures 3 and 4 the pivoting arms are pivotable movable to project above or below the load support surface (14) and provide guides at opposite ends of said load support surface to match the configuration of the load to be lifted. It would have been obvious to one of ordinary skill

in the art to modify the lifting assembly of Kaplan as taught by hooker to include adapters members on the load frame comprising pivoting arms resting on the load support surface in order to more securely seize the load and center it on the load support frame.

22. Re claim 13, the pivoting arms as taught by Hooker et al. are movable to a load retaining position projecting above the load support surface (fig 3), and have inclined surfaces (10 or 44) extending upwardly from the load support surface in opposite directions to form a load receiving pocket between (figs 2 and 3).

It would have been obvious to one of ordinary skill in the art to modify the lifting assembly of Kaplan as taught by Hooker et al to include pivoting arms comprising inclined surfaces forming a load receiving pocket between the inclined surface of the arms and the load support surface in order to provide a section to more securely hold the load, and an inclined surface on the arms corresponds to the load surface.

23. Re claim 14, Hooker teaches a first pivoting arm (21) being pivoted to the upright bar (13) and a second pivoting arm (41) being pivoted to the generally horizontal leg, wherein the second pivoting arm pivots to a load retaining position in opposite direction of rotation from the direction of rotation of the first pivoting strap toward its load retaining position (fig 2).

It would have been obvious to one of ordinary skill in the art to modify the lifting assembly of Kaplan as taught by Hooker et al to provide a second pivoting arm pivoting on the upright leg of the frame assembly in order to provide further retention and securement of the load during lifting and transport.

24. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan US-2,959,411 in view of Camp. Kaplan discloses a guide comprising a tubular sleeve (25), and a lift slide (41) extending from the guide as it moves (fig. 4). Moritz does not disclose the lift slide being covered with indicia that is exposed in the lift slide retracted position and as it extends from its retracted position. Camp teaches a fishing-handling tool including a tubular sleeve (18) with a spring (78) and a tubular slide (82) extends within the sleeve for gripping a fish at pivoting ends (54). The slide (82) includes graduated indicia with numerals (86) to indicate the weight or force of the fish being gripped. It is obvious and well known to provide indication of the movement of a sliding member against a spring relative to a stationary sleeve member for measurement of displacement, force, tension, weight, etc. (i.e. tension gauge). It would have been obvious to one of ordinary skill in the art to modify the lifting assembly of Kaplan as taught by Hooker et al to include indicia on the lift slide in order to indicate the movement of the lift slide as it moves relative to guide sleeve in order to measure the displacement, weight, force, etc. of a load being lifted.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US-4286817; 2441026; 4542928; 4438910; 4360110; 2695809; 4489970.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine A. Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EOO

Kathy Matecki

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600